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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-09-0873 DLJ
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING STATUS HEARING
v.)	
)	Hearing Date: March 5, 2010
THOMAS BRIAN TRUONG,)	Requested Date: April 9, 2010
)	
Defendant.)	
_____)	

The above-captioned matter is set on March 5, 2010 before this Court for a status hearing. The parties jointly request that this Court continue the matter to April 9, 2010 at 9:00 a.m. and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between March 5, 2010 and April 9, 2010.

This is a case charging distribution of steroids. The defense has been reviewing the discovery provided thus far, including the results of a search of a computer seized in a search warrant. The defense needs additional time to review e-mail records in conjunction with a chart provided by the government to assist in associating specific e-mails attributed to the defendant with each of the 41 counts of the indictment. In addition, the parties are engaged in ongoing discussions about a possible disposition. Defense counsel will be out of the office for two weeks in mid-March and will be unable to work on the case during that time.

1 The requested continuance will allow the defense to further its investigation of the
2 underlying facts of the case and to review necessary records. The failure to grant such a
3 continuance would unreasonably deny counsel for the defendant the reasonable time necessary
4 for effective preparation, taking into account the exercise of due diligence.

5 The parties further stipulate and agree that the time from March 5, 2010 to April 9, 2010,
6 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§
7 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel.

8
9 March 1, 2010

/s/

NED SMOCK
Assistant Federal Public Defender

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11
12 March 1, 2010

/s/

DEBORAH DOUGLAS
Assistant United States Attorney

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds that the ends of justice served by the continuance requested herein outweigh the best interest of the public and the defendant in a speedy trial because the failure to grant the continuance would deny the counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court makes this finding because additional investigation and the review of records are necessary to the defense preparation of the case.

Based on these findings, IT IS HEREBY ORDERED THAT the STATUS hearing date of March 5, 2010 is continued to April 9, 2010 at 9:00 a.m. and that time be excluded from March 5, 2010 to April 9, 2010 pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

March 2, 2010
Date


HON. D. LOWELL JENSEN
United States District Judge